IN THE HIGH CORUT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.1584 OF 2004
IN
CRIMINAL APPEAL NO.478 OF 2004

Rajesh @ Raju Marwadi
Ganeshmal Jain ... Applicant

versus

State of Maharashtra ... Respondents

Anjali Iyer, adv. for applicant.

D.R.More, AGP for State.

CORAM : D.G.DESHPANDE, J.
DATE : 17th August 2004.

PC :

1. The appeal of this case is admitted.

2. The applicant is convicted u/s. 392 R/W 34 of IPC and sentenced the applicant to undergo RI for three years and to pay a fine of Rs.3,000/- each in default to undergo SI for six months.. Other co-accused was granted bail by me on 29th April 2004. So far as this accused is concerned, even the complainant Mrs.Chandan Dediya did not

identify him. She was declared hostile in cross examination by the prosecutor also. Though she admitted her earlier statement to the Police, she was positive that she could not identify any of the three accused nor could point out as to who was whom. The other evidence according to the prosecution is recovery of ornaments but the Punch has turned hostile. No weapon is recovered at the instance of accused. Accused is on bail as granted by Lower Court. The bail is continued upon his furnishing fresh bond for the same amount. The substantive sentence is suspended pending appeal. Advocate for the applicant undertakes to furnish bond. Criminal Application disposed of.

(D.G.DESHPANDE, J.)